



# AVOIDING Common Hazardous Waste Violations

P.O. Box 7921 • Madison WI • 53707-7921 • 608/266-2111

*The following is a list of common violations detected during hazardous waste inspections. Immediately following the violation is a narrative of steps that can be taken to avoid the violation. These are not the most serious violations we find, but we do find these violations more often than others.*

- **Not marking containers/tanks as "Hazardous Waste."**

Your containers holding hazardous waste need to be clearly marked "Hazardous Waste." Not just for the inspector, but to be sure that your employees do not put the wrong materials in the barrel. You don't want to be shipping cutting oil as hazardous waste if it is not. Also, you do not want to mix incompatible wastes together in the same container. Your non-hazardous waste containers should be labeled clearly as well.

- **Accumulating too much hazardous waste at a satellite accumulation station (storing more than 55 gallons).**

*Satellite accumulation* allows you to accumulate small amounts (less than 55 gallons) of waste in the production area of your business. The main reasons for satellite accumulation are: 1) so you can conveniently accumulate waste in the area it is generated, and 2) so you can accumulate waste over a longer period of time without having to ship within the accumulation period (90 or 180 days) and avoid shipping a partial drum of waste. Once the container is full (55 gallons), you need to put the date on the barrel and then move it into the accumulation area. This gives you an advantage by allowing you to accumulate **full** containers. The 90 or 180 day period starts when the container is full.

- **Not marking the start date of accumulation on the container/tank at the accumulation point.**

If the container is kept in the *accumulation area* and you do not use a satellite accumulation area, the container must be dated when the first drop of waste is added. Few generators do this as they might then have to ship partial drums of waste at the end of the accumulation period.

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- **Accumulating hazardous waste on-site for greater than 90 or 180 days.**

Large quantity generators (LQGs) may accumulate waste for up to 90 days. Small quantity generators (SQGs) may accumulate waste for up to 180 days. Very small quantity generators (VSQGs) do not have a specific time period, but may not accumulate more than 2,205 pounds of waste. These accumulation periods allow you to save up enough waste to make shipment more economical. Generators typically do not have the same secure storage areas and stringent management systems as commercial hazardous waste storage facilities, which means generators need to ship the waste before the sheer volume of waste poses additional hazards. If you do run into an unforeseen problem, contact your regional waste management specialist to request a one-time, 30-day accumulation period extension.

- **Open containers. Not keeping drums closed except when it is necessary to add or remove waste.**

This is a safety issue as well as a waste generation issue. If a container is left open, it can pose a fire, explosion or other hazard and can be an exposure risk to employees. An open container also offers an invitation to accidentally mix wastes that might not be compatible. You could also be shipping solid waste as hazardous waste, at the resulting much higher disposal cost. If you have a liquid hazardous waste, you may want to consider using a safety funnel with a latch (the type that screws into the bung hole). Lugger boxes and other containers also need to be kept closed. Try to think when trying to tell if the container is properly closed: *Could the waste spill out if the container tips over?*

- **Using non-DOT containers, improper containers, or containers in poor condition, for storing hazardous waste on-site and storage in poor locations.**

Here is where you can easily save yourself some trouble. One of the most important aspects of hazardous waste management is containing the waste. Then you have to keep it in the container. Good quality containers are readily available and must be used to properly containerize a waste. Scenarios include on-site spills and subsequent clean up by your consultant; or worse yet, a transportation spill resulting in a costly Haz-Mat response by a fire department. Storage of waste outside, in an open area with unrestricted access, is an open invitation to vandalism. You could end up conducting a clean up you didn't cause. The best way to keep waste and product containers is in a protected building or at least under lock and key.

- **Failure to have or update the contingency plan. Most common things missing include: not having the name and home addresses of the emergency coordinators; not having an adequate description of all wastes generated on-site and their associated hazards; not having a description of the location of emergency equipment, accumulation areas, etc.**

The contingency plan is often overlooked entirely or sometimes viewed as just another cumbersome plan required by a bunch of regulators. Most employers have a lot of faith in the ability of their employees and know that they will respond correctly to routine spills and incidents. But when you think of it, the contingency plan is meant to be used in *emergency situations* (you know, when no one is thinking clearly). Often, employees acting on their own instead of following the plan will take actions which at the time seemed logical but later finding out the things they did were dangerous and may have added a great deal of unnecessary expense. The plan should be a straightforward guide for response to projected emergencies, based on the waste types you generate. When you write your plan, simply go through the Wisconsin Administrative Code (s. NR 630.22) and address each point on waste type, waste management and facility layout.



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In order for you to remember to update the plan, try doing annual updates at the same time of year and update whenever key personnel change. Try updating just before your annual employee training each year, or at the time you submit your annual report.

- **Not providing, or maintaining, annual training for employees that actively manage hazardous waste, or not providing training in the implementation of the contingency plan.**

This is another critical area that needs to be addressed. Employees managing hazardous waste need to be trained to understand proper waste management practices. Often, an employee does not have the training necessary to properly respond in an emergency situation. Many times, employees do not even know a contingency plan exists, much less the proper steps to take. Serious violations could have been avoided if additional employees had been trained and the contingency plan had been shared with all employees.

- **Records: Not maintaining hazardous waste container inspection logs or summaries; not maintaining training records of employees who actively manage hazardous wastes.**

Make sure you assign this task to someone who will accept the challenge and will not view this as a routine assignment. Think of these tasks as cost saving measures that will prevent spills, injuries and expensive cleanups. Do not make hazardous waste management an add-on to an employee's workload, without first relieving the employee of other duties.

- **Manifests/Land disposal restrictions (LDR): Not having all required manifests; improperly filling out manifests/not using correct waste codes; not having LDR notices or certifications; not sending copy 1 of the manifest to DNR, or the treatment/storage/disposal facility (TSD); not sending copy 3 to DNR.**

### ***Manifests***

The manifest is the basis for documenting proper shipment of hazardous waste. The manifest is the only way you can track your waste to the treatment, storage or disposal facility. The document can also be your best defense, if, in the future, you are "asked" to take part in a clean up.

Remember, each time you sign the manifest you are certifying the information on it to be accurate. Even if someone else fills out the manifest, the person signing needs to verify the accuracy. If you are LQG, you are also certifying that you have a waste minimization program in place.

The uniform manifest is a multi-page form that indicates on the bottom in red who gets each page. For the Wisconsin manifest: page 1 – the **generator** sends to DNR; page 2 – the **generator** keeps; page 3 – the **treatment facility** sends to DNR; page 4 – the **treatment facility** keeps; page 5 – the **treatment facility** sends to the **generator**, and page 6 – the **transporter** keeps. Fairly often, the generator forgets to send in a copy to the DNR. The DNR will usually get a copy from the treatment facility and therefore can track the shipment. The DNR can also compare records and determine that the treatment facility did not send in a manifest. This occurs more often with *out-of-state* manifests.

With out-of-state manifests, the generator needs to make a photocopy of the original manifest and send the copy to the DNR. When the generator receives the copy back from the treatment facility, the generator needs to make a copy and send that copy to the DNR. Out-of-state manifests have specific copies ear-marked for the state the waste is going to, not for Wisconsin.

***Remember that all manifests need to be legibly printed or typed.***



### **Waste Codes**

You should be careful to verify the waste code you use on the manifest. For example, generators often use a D001 waste code on a manifest and the analysis shows a flash point of over 200°F, clearly not an ignitable waste. Another frequent incorrect use of the D001 code occurs when shipping "F" listed solvents.

### **Land Disposal Restrictions**

The *Land Disposal Restrictions* are designed to make sure that raw, untreated hazardous wastes are not directly landfilled. In some ways, the LDR rules force further recycling and reuse of wastes. The waste must be treated to a specific standard before disposal. What this means is, though the waste remains hazardous, it is reduced in volume or toxicity. SQGs and LQGs will need to send along an LDR notification or certification with the manifest. The LDR notification tells the treatment facility that the constituents of the waste are at a level that needs to be treated before land disposal. The certification tells the treatment facility that the waste may be directly land disposed in a secure hazardous waste landfill.

- **Waste determination: Misclassifying hazardous waste as non-hazardous or vice-versa. More common, however, is failure to make a waste determination via lab analysis on solid wastes, such as floor sweepings, buffer fluff, filters, wipes, etc., and instead, relying solely on "generator knowledge."**

It is very important for you to properly identify your waste streams. You cannot possibly dispose of your wastes correctly if you don't know what they are. This is just as important for solid non-hazardous wastes. You should not have to spend extra money to dispose of a solid waste as hazardous. Try to think in terms of product-to-waste. Knowing what materials you use in production can help to determine what wastes you will generate. Be suspicious of any new raw materials you accept. Accept only small samples and be sure that the vendor will take back any unused samples.

Look at each waste stream carefully and apply the steps in ch. NR 605, Wis. Adm. Code that pertain to identification and listing of hazardous waste. By following this chapter you will be able to determine if a waste is *excluded* from regulation as a hazardous waste, is a *listed* hazardous waste or is a *characteristic* hazardous waste.

- **Applying Generator Knowledge: Failing to Characterize Waste**

A generator can apply knowledge of the hazardous characteristics of the solid waste considering the materials or the processes used to determine if the solid waste is a hazardous waste.

Some of the waste streams given in the point above do not seem to be a problem. However, if your company makes a product of lead or brass, your floor sweepings could be characteristically hazardous because of an elevated lead level. In this case, you could not simply apply generator knowledge and determine that your waste was not hazardous. You would need to rely on the results of analysis of a representative sample of the waste. Only then would you have the information needed to be able to tell if this waste is hazardous.

### **Questions?**

Call your DNR regional waste management program (see attached map) if you have additional questions or consult the NR 600 series, Wis. Adm. Code. You may also want to check on DNR's web site at <http://www.dnr.state.wi.us> or contact your regional waste management program or DNR's Bureau of Cooperative Environmental Assistance at 608/267-9700 for a list of other publications that might be of interest.

**Disclaimer:** This fact sheet is not intended as a substitute for the statutes and codes that apply. Rather, it is a brief summary of the topic. Please consult Wisconsin's statutes and administrative codes for detailed information.



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## ***Glossary of Terms:***

VSQG – Very Small Quantity Generator – Generates less than 220 pounds of hazardous waste per month.

SQG – Small Quantity Generator – Generates greater than 220 pounds of hazardous waste per month but less than 2,205 pounds of waste per month.

LQG – Large Quantity Generator – Generates greater than or equal to 2,205 pounds per month of hazardous waste.

Satellite Accumulation – An area at or near any point of generation where a generator accumulates up to 55 gallons of waste.

Accumulation Area – An area where a generator accumulates waste on-site without a license, before shipment within 90 or 180 days (the term *accumulation* is used instead of the term *storage* to denote a generator storing waste). Only licensed facilities may *store* waste.

Uniform Manifest – A multi-page form used to track shipments of hazardous waste from generator to treatment and disposal facilities.

Out-of State Manifest – A uniform manifest from a state other than Wisconsin.

Land Disposal Restrictions - LDRs are regulations designed to prevent direct land disposal of hazardous wastes without first treating those wastes.

Contingency Plan – A written document designed to provide guidance in the event of an emergency and prevent damage to the environment or human health.

Chs. NR 600-690, Wis. Adm. Code, Hazardous Waste Management – This is the set of Wisconsin regulations that pertain to hazardous waste management. These regulations are roughly equivalent to the federal regulations found in Title 40 Code of Federal Regulations. All generators should have a copy of the code and follow the portions of the code that pertains to them:

VSQG – s. NR 610.07, Wis. Adm. Code

SQG – ch. NR 610, Wis. Adm. Code

LQG – ch. NR 615, Wis. Adm. Code

Copies of Wisconsin Administrative Code series and Wisconsin Statutes can be purchased from the Department of Administration, Document Sales and Distribution, PO Box 7840, Madison, WI 53707-7840, (608) 266-3358.

“Official” printed versions of administrative codes are available after the appropriate rules have been printed and “official” versions of state statutes are printed every two years.

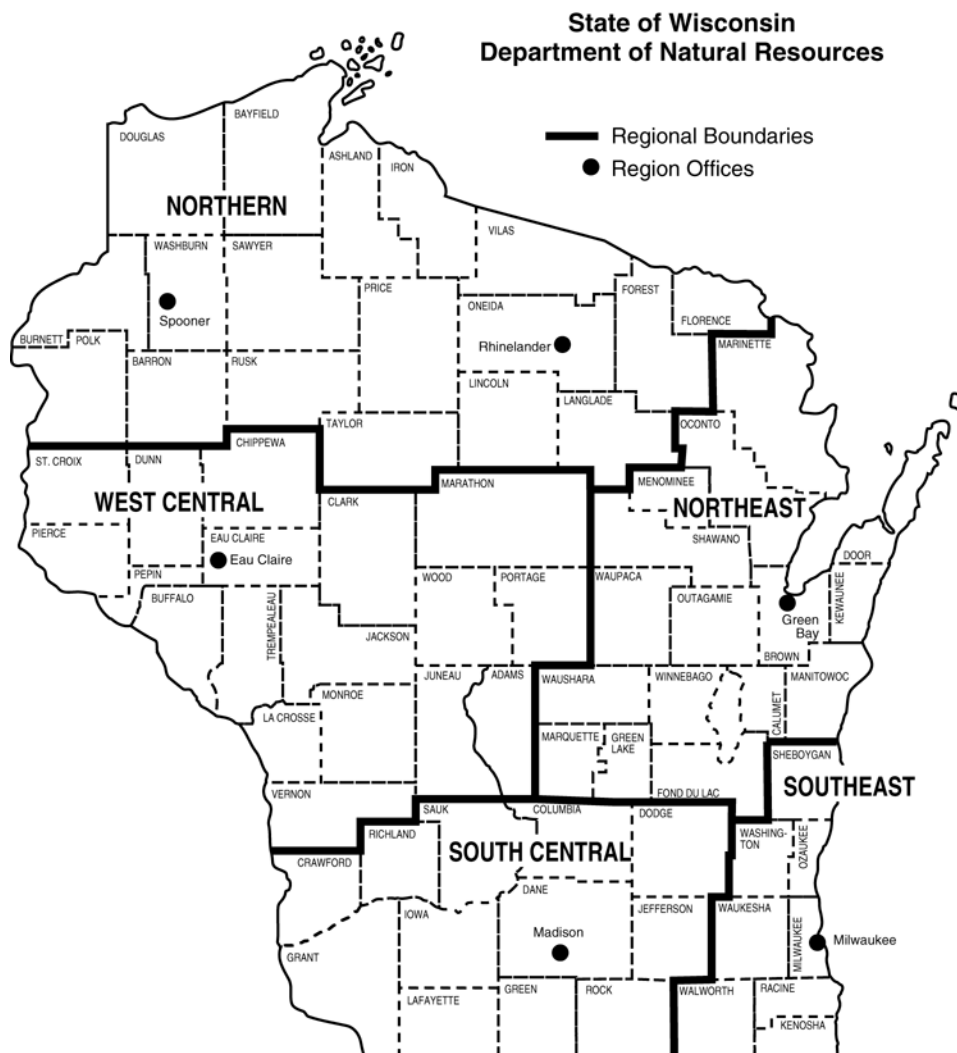
The Revisor of Statutes Bureau maintains a world wide web site for Wisconsin state statutes and some administrative codes at: <http://www.legis.state.wi.us/rsb>. While the web version is not an “official” version of the statutes or codes, the information is based on the same database that is used to produce the “official” version. Because the statutes on the web site are updated during each legislative session, they will be more current than the “official” version which is printed every two years.



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Rhinelander, WI 54501  
(715) 365-8900

### West Central Region

DNR  
PO Box 4001  
Eau Claire, WI 54702-4001  
(715) 839-3700

### Northeast Region

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1125 N. Military Ave  
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Green Bay, WI 54307  
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### South Central Region

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### Southeast Region

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